

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

MEMO ENDORSED

April 29, 2008

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
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Via Fax (212) 805-6181 & U.S. Mail
Hon. Douglas F. Eaton
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

4/30/08 - I grant this request, but I will not grant any extension of the June 4, 2008 deadline. Douglas F. Eaton

Re: Rosales v Fischer, et. al.
07CV10554(LAP)(DFE)
Pro se

Dear Judge Eaton:

This letter is written on behalf of defendants who are represented by the Office of the Attorney General ("OAG"), respectfully to request a further extension of time from May 6, 2008 until June 4, 2008 to respond to the complaint in this Section 1983 action. By Order dated March 18, 2008, the Court granted defendants' one prior request and extended the deadline for defendants' response until May 6, 2008. The pro se complaint includes claims of excessive use of force, retaliation and disciplinary due process violations during plaintiff's incarceration at Green Haven Correctional Facility. Our records reflect that as of this date, all 19 defendants were served with the complaint. Fifteen defendants, including John Serhan, a consulting audiologist at Green Haven have requested representation by the OAG.

Additional time is requested to avoid piecemeal response to the complaint and enable our office to secure requests for representation from defendants Sgt. William Kelly, DOCS Regional Health Services Administrator Ernie Martone and Corrections Officers Anthony Cefaloni and Steven Purcell. Additional time is also needed to enable the OAG to consult with the represented defendants to determine which claims, if any, may be addressed by means of a motion to dismiss instead of an answer. An extension is also being requested to permit review of documents received from the New York State Department of Correctional Services to further assist us in making that determination. I did not obtain plaintiff's consent prior to making this application because he is incarcerated.

USDC SDNY
DATE SCANNED 4/30/08 *JP*

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TOTAL P.03

Hon. Douglas F. Eaton
United States Magistrate Judge

April 29, 2008

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Respectfully submitted,



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